

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DILENIA PAGUADA,

Plaintiff,

-against-

CHEMIST CREATIONS, INC.,

Defendant.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>12/28/2020</u>

20-CV-7153 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff Dilenia Paguada filed this action on September 2, 2020, (Doc. 1), and an electronic summons was issued on September 3, 2020, (Doc. 4.) To date, Defendant has not appeared or responded to the complaint. On December 1, 2020, I entered an Order directing Plaintiff to move for a default judgment by December 21, 2020, or risk having this case dismissed for failure to prosecute. (Doc. 6.) To date, no action has been taken in this case and Plaintiff has demonstrated no intent to prosecute this action.

Accordingly, this action is dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 632 (1962) (“The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an inherent power . . . necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” (internal quotation marks omitted)); *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (“Although the text of Fed. R. Civ. P. 41(b) expressly addresses only the case in which a defendant moves for dismissal of an action, it is unquestioned that Rule 41(b) also gives the district court authority to dismiss a

plaintiff's case *sua sponte* for failure to prosecute.”). The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: December 28, 2020
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick
United States District Judge